

HICKMAN PALERMO TRUONG & BECKER LLP
1600 WILLOW STREET
SAN JOSE, CALIFORNIA 95125-5106
TEL: (408) 414-1080
FAX: (408) 414-1076

RECEIVED
CENTRAL FAX CENTER

JUN 11 2004

OFFICIAL

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Mail Stop Amendment	Marcel K. Bingham
COMPANY:	DATE:
USPTO	JUNE 11, 2004
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(703) 872-9306	12
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	60072-0808
RE:	U.S. SERIAL NUMBER:
Reply to Office Action	09/587,090

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

FACSIMILE FILING

Attached for filing are:

1. Reply to Office Action Without Amendment (9 pgs)
2. Fee Transmittal to charge Deposit Account (1 pg in duplicate)
3. Facsimile Cover Sheet

THE INFORMATION CONTAINED IN THIS FACSIMILE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

PTO/SB/17 (12/99)

Approved for use through 09/30/2000. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004 <i>Patent fees are subject to annual revision.</i> <i>Small Entity payments must be supported by a small entity statement,</i> <i>otherwise large entity fees must be paid. See Forms PTO/SB/09-12.</i> <i>See 37 C.F.R. §§ 1.27 AND 1.28</i>		Complete if Known																																																																																																																																																																																					
TOTAL AMOUNT OF PAYMENT (\$) 110.00		Application Number 09/587,090	Filing Date May 31, 2000																																																																																																																																																																																				
		First Named Inventor E. MICHAEL LUNSFORD	Examiner Name DAVID Y. ENG																																																																																																																																																																																				
		Group/Art Unit 2155	Attorney Docket No. 60072-0808																																																																																																																																																																																				
METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																																																					
1. <input checked="" type="checkbox"/> Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed. Deposit Account Number: 50-1302 Deposit Account Name: Hickman Palermo Truong & Becker, LLP		3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td>\$110</td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2010</td><td>2255</td><td>1005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td colspan="5">Other fee (specify) _____</td><td></td></tr> <tr><td colspan="5">Other fee (specify) _____</td><td></td></tr> <tr> <td colspan="5">*Reduced by Basic Filing Fee Paid</td> <td> SUBTOTAL (\$) (\$) 110.00 </td> </tr> </tbody> </table>		Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month	\$110	1252	420	2252	210	Extension for reply within second month		1253	950	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	2010	2255	1005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1330	2453	665	Petition to revive - unintentional		1501	1330	2501	665	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1503	640	2503	320	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Petitions related to provisional applications		1806	180	1806	180	Submission of information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))		1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))		Other fee (specify) _____						Other fee (specify) _____						*Reduced by Basic Filing Fee Paid					SUBTOTAL (\$) (\$) 110.00
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																		
1051	130	2051	65	Surcharge - late filing fee or oath																																																																																																																																																																																			
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																			
1053	130	1053	130	Non-English specification																																																																																																																																																																																			
1812	2,520	1812	2,520	For filing a request for reexamination																																																																																																																																																																																			
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																			
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																			
1251	110	2251	55	Extension for reply within first month	\$110																																																																																																																																																																																		
1252	420	2252	210	Extension for reply within second month																																																																																																																																																																																			
1253	950	2253	475	Extension for reply within third month																																																																																																																																																																																			
1254	1,480	2254	740	Extension for reply within fourth month																																																																																																																																																																																			
1255	2010	2255	1005	Extension for reply within fifth month																																																																																																																																																																																			
1401	330	2401	165	Notice of Appeal																																																																																																																																																																																			
1402	330	2402	165	Filing a brief in support of an appeal																																																																																																																																																																																			
1403	290	2403	145	Request for oral hearing																																																																																																																																																																																			
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																			
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																																			
1453	1330	2453	665	Petition to revive - unintentional																																																																																																																																																																																			
1501	1330	2501	665	Utility issue fee (or reissue)																																																																																																																																																																																			
1502	480	2502	240	Design issue fee																																																																																																																																																																																			
1503	640	2503	320	Plant issue fee																																																																																																																																																																																			
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																																			
1807	50	1807	50	Petitions related to provisional applications																																																																																																																																																																																			
1806	180	1806	180	Submission of information Disclosure Stmt																																																																																																																																																																																			
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																			
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																			
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																			
Other fee (specify) _____																																																																																																																																																																																							
Other fee (specify) _____																																																																																																																																																																																							
*Reduced by Basic Filing Fee Paid					SUBTOTAL (\$) (\$) 110.00																																																																																																																																																																																		
2. EXTRA CLAIM FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1001</td><td>770</td><td>2001</td><td>385</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>340</td><td>2002</td><td>170</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>530</td><td>2003</td><td>265</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>770</td><td>2004</td><td>385</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="5">SUBTOTAL (1)</td><td>(\$) 0.00</td></tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Total Claims</th> <th>Highest Paid Claims</th> <th>Extra Claims</th> <th>Fee from Below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>47</td> <td>47*</td> <td>0</td> <td>18.00</td> <td>0.00</td> </tr> <tr> <td>3</td> <td>3**</td> <td>0</td> <td>86.00</td> <td>0.00</td> </tr> </tbody> </table> Multiple Dependent **or number previously paid, if greater; For Reissues, see below <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>88</td><td>2201</td><td>43</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>290</td><td>2203</td><td>146</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>88</td><td>2204</td><td>43</td><td>**Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>**Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr><td colspan="5">SUBTOTAL (2)</td><td>(\$) 0.00</td></tr> </tbody> </table>		Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	1001	770	2001	385	Utility filing fee		1002	340	2002	170	Design filing fee		1003	530	2003	265	Plant filing fee		1004	770	2004	385	Reissue filing fee		1005	160	2005	80	Provisional filing fee		SUBTOTAL (1)					(\$) 0.00	Total Claims	Highest Paid Claims	Extra Claims	Fee from Below	Fee Paid	47	47*	0	18.00	0.00	3	3**	0	86.00	0.00	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	1202	18	2202	9	Claims in excess of 20		1201	88	2201	43	Independent claims in excess of 3		1203	290	2203	146	Multiple dependent claim, if not paid		1204	88	2204	43	**Reissue independent claims over original patent		1205	18	2205	9	**Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)					(\$) 0.00																																																																																			
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																		
1001	770	2001	385	Utility filing fee																																																																																																																																																																																			
1002	340	2002	170	Design filing fee																																																																																																																																																																																			
1003	530	2003	265	Plant filing fee																																																																																																																																																																																			
1004	770	2004	385	Reissue filing fee																																																																																																																																																																																			
1005	160	2005	80	Provisional filing fee																																																																																																																																																																																			
SUBTOTAL (1)					(\$) 0.00																																																																																																																																																																																		
Total Claims	Highest Paid Claims	Extra Claims	Fee from Below	Fee Paid																																																																																																																																																																																			
47	47*	0	18.00	0.00																																																																																																																																																																																			
3	3**	0	86.00	0.00																																																																																																																																																																																			
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																		
1202	18	2202	9	Claims in excess of 20																																																																																																																																																																																			
1201	88	2201	43	Independent claims in excess of 3																																																																																																																																																																																			
1203	290	2203	146	Multiple dependent claim, if not paid																																																																																																																																																																																			
1204	88	2204	43	**Reissue independent claims over original patent																																																																																																																																																																																			
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent																																																																																																																																																																																			
SUBTOTAL (2)					(\$) 0.00																																																																																																																																																																																		
SUBMITTED BY <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Name (Print/Type) MARCEL K. BINGHAM</td> <td style="width: 20%;">Registration No. (Attorney/Agent) 42,327</td> <td style="width: 30%;">Telephone (408) 414-1080</td> </tr> <tr> <td>Signature </td> <td>Date June 11, 2004</td> <td></td> </tr> </table>		Name (Print/Type) MARCEL K. BINGHAM	Registration No. (Attorney/Agent) 42,327	Telephone (408) 414-1080	Signature	Date June 11, 2004		WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.																																																																																																																																																																															
Name (Print/Type) MARCEL K. BINGHAM	Registration No. (Attorney/Agent) 42,327	Telephone (408) 414-1080																																																																																																																																																																																					
Signature	Date June 11, 2004																																																																																																																																																																																						

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Amend, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-